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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 OS ENTERPRISE, LLC,

11 Plaintiff,

12 v.

13 FAIRLINE DEVELOPMENT CANADA

14 (1992) LTD., and others,

15 Defendants.
16

Case No. 11-cv-04375 SBA (NC)

**ORDER VACATING
SETTLEMENT CONFERENCE;
AND PROVIDING NOTICE OF
POSSIBLE DEFAULT AND
SANCTIONS**

Re: Dkt. No. 198

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18 On June 4, 2013, after the parties failed to appear for a settlement conference, the
19 Court continued the settlement conference to July 3 and ordered the parties to take certain
20 actions by June 26: (1) submit settlement conference statements; (2) show cause why
21 clients and counsel should not be sanctioned for repeated failures to follow court orders;
22 and (3) propose one or more charitable organizations as appropriate beneficiaries of a
23 donation in place of a monetary sanction. Dkt. 34.

24 Plaintiff OS Enterprise responded as ordered, and established good cause for its
25 prior errors. The OSC against OS Enterprise is therefore satisfied.

26 Defendant Fairline Development Canada, through its counsel Matthew D. Pearson,
27 did not comply with the Court's order. Fairline filed nothing. Fairline's counsel also has
28 not responded to an email and telephone message left for him by Court staff after he

1 failed to respond to the Court's order.

2 Under these circumstances, there is no reason to expect that Fairline or its counsel
3 will be appearing at the July 3 settlement conference. The settlement conference is
4 therefore VACATED.

5 The Order to Show Cause hearing against Fairline and its counsel remains on
6 calendar July 3, 2013, at 1:00 p.m. in Courtroom A, 15th Floor, 450 Golden Gate, San
7 Francisco. Counsel and client must show cause why they should not be sanctioned for
8 repeated failures to follow court orders. Furthermore, Fairline must show cause why this
9 Court should not recommend that a default be entered against it in this case.

10 IT IS ORDERED.

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12 Date: June 28, 2013


NATHANAEL M. COUSINS
United States Magistrate Judge